

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article No.:

The Honorable Larry Cline, Mayor  
City of Rockaway Beach  
P.O. Box 315  
Rockaway Beach, MO 65616

Dear Mayor Cline:

RE: Rockaway Beach Wastewater Treatment Plant  
Rockaway Beach, Missouri  
NPDES Permit No.: MO-0108162

**Letter of Warning**

This letter is intended to warn you of penalties that the U.S. Environmental Protection Agency (EPA) may seek from the City of Rockaway Beach (City) for failing to comply with an Administrative Order on Consent issued to the City on February 5, 2008, and for failing to address other deficiencies that EPA identified during an inspection which occurred on August 10-12, 2009.

***Non-Compliance with Administrative Order***

As of this date, the City remains out of compliance with several requirements of the Administrative Order for Compliance, Docket No. CWA-07-2008-0031 (Order). The City's non-compliance is summarized below.

Paragraph 31 of the Order requires the City take all necessary corrective action to eliminate and prevent recurrence of the violations cited in the Order. The City has not retained all records, submitted all reports, and reported all bypasses.

Paragraph 32 of the Order requires the preparation and submittal of an Operations and Maintenance Manual. The City submitted the manual that was reviewed by Mr. Cowles during the August inspection on November 11, 2009. The report from the August inspection discusses the deficiencies of this manual in meeting the intent of the Order. Mr. Felton and Ms. Sans discussed the Operations and Maintenance manual during a phone conversation on November 18, 2009. A discussion between Mr. Cowles

and Ms. Sans of EPA and the mayor, city clerk and plant operator on December 15, 2009, should have clarified the type of manual required to satisfy Paragraph 32 of the Order.

Paragraph 33 of the Order requires the City to submit a copy of the 2007 annual sludge report. To satisfy this requirement, the City submitted a letter stating that the data and documentation necessary to prepare the report had not been generated by the City and the City therefore was unable to satisfy this requirement.

Paragraph 34 of the Order requires timely quarterly submittals of DMRs and sampling and operational data. The Order requires that copies of all sampling and analysis information, bench sheets, removal efficiency calculations, and letterhead data reports from the certified laboratory performing analysis be submitted to EPA and the Missouri Department of Natural Resources (MDNR). Also, the original DMR must be submitted to MDNR and a copy submitted to EPA. This is an ongoing requirement through at least 2012, and as stated in the Order, is to be submitted on the following schedule:

December, January and February data are to be submitted on March 12<sup>th</sup>.  
March, April and May data are to be submitted on June 12<sup>th</sup>. June, July and August data are to be submitted on September 12<sup>th</sup>. September, October and November data are to be submitted on December 12<sup>th</sup>.

Since the Order became effective in February of 2008, the City has not submitted all required sampling and analysis data and DMRs as follows:

- August and September 2009: unable to recover documentation from previous operator. Please continue to try to recover this documentation.
- June 2009: nothing received from the City. Mr. Cowles made copies and attached these records to the inspection report.
- March 2009: nothing received from City. Mr. Cowles made copies and attached these records to the inspection report..
- November and December 2008: no lab sheets, no BOD worksheet
- July, August and September 2008: no lab sheets
- May 2008: no signature on DMR, no lab sheets
- March and April 2008: no lab data

Paragraph 35 of the Order requires the City to submit to EPA a copy of the semi-annual inflow and infiltration report required to be sent to MDNR. To date, the City has not submitted semi-annual reports (I & I reports) due October 2008, April 2009 and October 2009.

### ***Second Inspection***

Since the Order was issued, the EPA Compliance Officer (Cynthia Sans) and the EPA Attorney (Audrey Asher) have together or separately spoken with representatives of the City and its attorney to discuss the requirements of the Order in an effort to make sure

its requirements are clearly understood. Conversations of this type occurred on March 19, 2008; March 25, 2008; April 8, 2008; April 10, 2008; May 6, 2008; May 9, 2008; June 11, 2008; September 26, 2008; October 14, 2008; November 18 and 19, 2009; and December 15, 2009. Correspondence dated April 25, 2008, May 19, 2008, and November 13, 2008, was also sent to the City in regard to the requirements of the Order.

EPA has been concerned with the City's failure to comply with the Order, despite the extensive assistance provided. For that reason, on August 10-12, 2009, an EPA inspector inspected your facility for the second time, pursuant to the authority of Section 308 of the Clean Water Act (CWA). A copy of the Inspection Report was sent to you on December 2, 2009. As set forth in the Inspection Report, the City is required to correct any deficiencies noted in the report, and should pay particular attention to correcting the failure to retain all records and submitting all reports including, but not limited to, the annual report that was due October 2008. Please recall that at the time of the inspection, the inspector stressed the importance of having systems in place to ensure the collection of all required samples and data, maintaining all records, submitting all reports and establishing and maintaining effective communication between all parties at the City to ensure the requirements of the NPDES permit and Order for Compliance are met.

#### ***EPA's Enforcement Authority***

Under Section 309 of the CWA, EPA may seek penalties in federal court for failing to comply with an administrative order and may issue another administrative order for failing to address matters identified as violations in the August 2009 inspection.

EPA is encouraged by the efforts of the current operator to establish all necessary operations and maintenance procedures to ensure treatment is optimized. We are mostly encouraged by Mr. Felton's efforts to establish and maintain sampling, records retention and reporting mechanisms to ensure the City will be in compliance with the requirements of the Order. However, all parties at the City must cooperate in this effort to ensure compliance with the Order. EPA has the authority and responsibility to protect public health and the environment and is prepared to take all necessary measures to assure compliance with the Clean Water Act.

Please call Cynthia Sans of my staff at (913) 551-7492 if you wish to discuss any matters addressed in this letter.

Sincerely,

Diane Huffman, Chief  
Water Enforcement Branch

cc: Kevin Mohammadi, Missouri Dept. of Natural Resources  
Cindy Davies, Missouri Dept. of Natural Resources, SWRO

CONCURRENCE:WWPD:WENF:Peak:H:\WENF\2007 Correspondence\Sans DeSoto WWTP- LOW inspection close out – January 8, 2008.doc:10/25/07:lk					
NAME	Sans	Bagley	Huffman		
DIV/BRANCH	WWPD/WENF	CNSL	WWPD/WENF		
SIGN					
DATE					

